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C O N F I D E N T I A L SECTION 01 OF 03 MAPUTO 001026

SIPDIS

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TAGS: [PREL](#) [PGOV](#) [KDEM](#) [MZ](#)

SUBJECT: CIVIL SOCIETY CONCERNED ABOUT LACK OF TRANSPARENCY
IN ELECTORAL PROCESS

REF: A. MAPUTO 1016

[B](#). MAPUTO 1012

[C](#). MAPUTO 1009

[D](#). MAPUTO 1007

Classified By: A/DCM Matthew Roth for reasons 1.4 (b and d)

[1](#). (C) SUMMARY: On September 15, Carlos Simango, close advisor of President Guebuza, met with the Charge to hear the depth of the diplomatic community's concerns over the September 6 decision by the National Electoral Commission (CNE) to disqualify large numbers of parliamentary candidates. On September 16, civil society group Youth Parliament (PJ) hosted a public debate featuring three key members of civil society who leveled withering criticisms at the political decision to disqualify candidates, calling it both illegal and unconstitutional. Younger Mozambican voters appear gravely concerned about the legitimacy of the electoral system, while civil society has found its voice, making rare public statements against the ruling party, with messages that follow closely on the Charge's and other diplomats' public statements calling for an inclusive solution to the elections impasse. END SUMMARY.

[2](#). (U) In front of over 200 young political activists, PAS grantee and civil society group Youth Parliament (PJ) moderated a September 16 public forum to raise concerns about the transparency of the electoral system in Mozambique and express grave concerns about the capacity for free, fair and transparent elections following the National Electoral Commission's (CNE's) September 6 decision (Ref D) to disqualify opposition parties. Speakers included stalwarts of civil society: editor of Magazine Independente Salomao Moyana, director of the League of Human Rights (LDH) Alice Mabota, and Law Professor Antonio Frangoulis. President of the CNE Leopoldo da Costa was invited and expected to attend, but failed to appear.

CIVIL SOCIETY CHALLENGES ELECTION DISQUALIFICATION

[3](#). (U) Moyana, a long-time commentator on U.S. history and widely respected member of civil society, pointed out that there is a serious difference between "elections" and "democratic elections." Mirroring the Charge's comments to the CNE and media on September 10, Moyana said that Mozambique's elections should be as inclusive as possible, with candidates defined in the most inclusive manner available. Moyana went on to criticize the CNE directly, saying that the organization is right to exclude unorganized parties without significant followings; however, its September 6 decision to eliminate large swaths of opposition legislative candidates directly contradicted the election law. He also confirmed that the CNE acted wrongly by removing entire parties from the legislative lists without

providing specific reasons for disqualification, noting that it was virtually impossible under Mozambican electoral law to disqualify entire parties.

14. (U) Moyana said the CNE action "compromised the law," and that the CNE should be more humble, accepting that it made serious errors in its decision which could prove "extremely dangerous" to the process, violating the "law and principles of inclusion in elections." Moyana closed by noting that inclusivity was not a problem in the 2004 elections; however, the composition and attitude of the CNE had changed since the last election (NOTE: Moyana is referencing a significant politicization of the CNE since 2007 when President Guebuza selected relative unknown da Costa as President, giving him the rank of Minister in 2008. Both Alice Mabota and Salomao Moyana were widely expected to join the CNE as members of civil society, but were not included. END NOTE)

CNE DECISION UNCONSTITUTIONAL ACCORDING TO LAW PROF

15. (U) Law professor Frangoulis described the disqualification as "very bad for democracy," calling the CNE decision not only a violation of the law and procedures, but also the Constitution. Making a play on words, Frangoulis observed that there is only one letter that differs between the words for "king" (rei) and "law" (lei) in Portuguese, making a veiled reference suggesting that President Guebuza's personally influenced the CNE decision. Frangoulis agreed with Moyana's observation of the CNE and stated that he does

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not believe da Costa would accept that he had made errors. After a long review of the election laws left unobserved by the CNE decision, Frangoulis closed by opining that the basic rights of Mozambican citizens had been violated and that the CNE decision would create instability, potentially leading to serious societal problems.

HUMAN RIGHTS LEADER DRAWS PARALLEL TO ZIMBABWE

16. (U) An impassioned Alice Mabota, director of the Human Rights League (LDH), said she was concerned about the human rights implications of the CNE decision, noting that many African elections result in violence because of the appearance of injustice and lack of transparency, citing Gabon, Zimbabwe, and Kenya as recent examples. Mabota also explained that the CNE decision to exclude opposition parties calls into question the legitimacy of those elected. Mabota continued by reading from the Mozambican Constitution which speaks of pluralism and equality of rights in Mozambique; rights she said had been challenged by the CNE, affecting the peace and harmony of society. Mabota closed by saying that the CNE decision is a "crime" that prevented voters from their constitutional rights to vote. She called on the Constitutional Council (CC) to render a decision that corrects the errors made by the CNE.

AUDIENCE CRITICIZES CNE AND FRELIMO

17. (U) Usually tentative in public, Mozambican youths in the audience responded to the speakers' statements saying that democracy must be "forced on Mozambique," affirming that the CNE has already lost its credibility. Other audience members expressed doubt that the CC decision would rectify the CNE's political decision, and questioned why the elections should even be held since the outcome was already decided. One audience member pointed out that the Constitution should not just protect the ruling FRELIMO party, but all citizens. Many of these statements were

greeted with applause from an audience emboldened by the courage of its own members, and the young audience appeared at times frustrated with the disqualification of opposition parties. All who spoke seemed to believe that the CNE decision was a very political decision by FRELIMO. Members of excluded parties confirmed to the audience that despite CNE statements to the contrary, the CNE did not call on parties individually to explain the reasons for each candidate's disqualification. Others presented reams of documents which proved that they had met the requirements for candidacy, but were excluded nonetheless. Soon thereafter, several youths took to the stage and called for 'revolution,' saying that democracy only came to the United States, France and other countries after the people had taken to the streets--and noted that riots in Maputo in February 2008 had been led by youths.

FRELIMO INSIDERS REALIZE THEY HAVE A MAJOR PROBLEM

18. (C) GRM and FRELIMO contacts have reached out to Embassies in the past 48 hours, apparently to determine the seriousness of the diplomatic community's resolve on this issue, in part to gauge whether assistance flows could be in jeopardy. Late on the evening of September 15, the President's Economic Advisor Carlos Simango visited the home of the Charge, who reiterated the diplomatic community's concerns about the CNE's decision to disqualify opposition parties, emphasizing that FRELIMO needed to understand that the decisions it makes in the next week are being scrutinized in donor capitals based on numerous meetings with fellow diplomats (septel). Simango confirmed that FRELIMO had "a senior-level team" working on potential scenarios for a resolution to the current political problem, but continued to insist that the party had "no interest in seeing elections rigged," instead blaming over-earnest mid-level party apparatchiks who may have somehow exerted undue influence resulting in the CNE decision.

COMMENT: CIVIL SOCIETY FOLLOWING THE DIPLOMATIC LEAD

19. (C) FRELIMO's private reactions to the strong diplomatic response to the CNE decision clearly confirm that a political

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decision was made to minimize MDM's success in the legislative elections. While Simango blames over-zealous party members, decision-making in FRELIMO is highly centralized and top-heavy, making it unlikely that any pressure on CNE could come from anywhere except senior party leaders. FRELIMO operatives in the provinces speak openly of a strategy called "opposition shock treatment," in which they purposely disrupt opposition party activities, including taking down party flags and setting fire to party buildings, according to the Mozambican Center for Public Integrity (CIP). The CNE decision appears to be a political variation on FRELIMO's strategy which has backfired badly. The PJ's timely debate provided a platform for senior members of civil society to express their concerns about FRELIMO meddling with the process--all amply covered by the media. Moyana's message tracked nicely with the diplomatic community's concerns about the inclusivity of the process, while Frangoulis and Mabota went a step forward branding the disqualification as illegal and unconstitutional. The CC's decision, expected late this week though that too could be delayed, may well tow the party line, however, FRELIMO is clearly feeling the heat and is looking for solutions.
CHAPMAN